



**U.S. Department of Justice**

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**For Immediate Release:**

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November 29, 2004

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**Event: SENTENCE**

**Defendant: KOLE VUSHAJ**

**Date: November 29, 2004**

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United States Attorney Craig S. Morford announced that Kole Vushaj, age 35, who is a resident of Macomb, Michigan, was sentenced today in federal court in Detroit to 110 months imprisonment pursuant to his conviction on thirty counts of alien-smuggling and related offenses, and one count of assaulting a U.S. Border Patrol Agent. U.S. Attorney Morford was joined in the announcement by Special Agent in Charge, Brian Moskowitz, U.S. Immigration and Customs Enforcement.

Today's sentence follows the defendant's guilty plea on June 22, 2004. During his plea, the defendant admitted the following essential facts:

On January 27, 2004, the defendant, and others he conspired with, smuggled thirteen illegal aliens from Sarnia, Ontario via train to Port Huron, MI. The aliens were from China, Albania, Belgium, and Yugoslavia. Specifically, after the defendant's associates placed the aliens on the train in Sarnia, Ontario, the defendant met the aliens inside the train yard adjacent to Upton St. in Port Huron. The aliens arrived on a train on the fourth track away from defendant's vehicle. The defendant met the aliens and guided them by foot (approximately 1/4 mile) from the train car to his waiting vehicle. While

proceeding to his vehicle, the aliens were required to cross over active train tracks, and climb under trains inside the train yard on active tracks. Had one of those trains moved, which was a possibility, the aliens would have been severely injured or killed. The defendant loaded the thirteen illegal aliens into his waiting vehicle and was subsequently stopped by the United States Border Patrol.

On Friday, March 19, 2004, a lone Border Patrol Agent was working near the Detroit-Windsor Train Tunnel in Detroit, Michigan. He conducted a routine inspection of a Canadian Pacific freight train that had just entered the United States from Canada. There he encountered Defendant, Kole VUSHAJ, attempting to conceal himself inside a hole at the end of a "hopper" car used to carry grain. After ignoring the Agent's commands to come out, the defendant fled on foot. The defendant threw two baseball sized portions of brick at the pursuing agent, the second of which nearly struck the agent in the head.

After the agent arrested the defendant, the freight train was held for a period of time for further inspection. No aliens were found on the train. The train was allowed to continue. On Saturday, March 20, 2004, the same CP freight train reached Holland, Michigan. Pursuant to a 911 call by a passerby who heard the aliens inside the train car screaming for help, the police in Holland found two Albanian national illegal aliens on the train (one man and one woman). These aliens had been locked in the train car for approximately 15 hours with no food or water and with minimal clothing. These aliens identified the defendant as one of the persons that met them in Windsor, Ontario after their family made arrangements with persons for them to be illegally smuggled into the United States from Canada. VUSHAJ and another male drove the aliens to a train yard in Windsor and placed them into the train car. VUSHAJ told the aliens that after a short train trip, he would open the door of the train car, which was locked from the outside, and let them out. The train car the aliens were riding in contained a load of lumber originating in Canada.

Prior to imposing sentence, Judge Avern Cohn noted that the defendant was on

probation for alien smuggling when he committed the instant offenses. Judge Cohn also highlighted the risk of death the defendant caused the aliens and specifically noted that the defendant was lucky that he was not appearing before the court on a murder charge.

The sentence was imposed under the United States Sentence Guidelines according to the nature of the offense and the criminal background of the defendant.

“With this plea ICE ends the illicit career of a significant smuggler of human beings in the Detroit area. As the facts of this case demonstrate, those who smuggle aliens often do so with little regard to the health and safety of their human cargo. To those who seek to illegally enter the United States using the services of a smuggler- be warned – you do so at great risk to both your freedom and your health,” said Special Agent-in-Charge Moskowitz.

Mr. Morford commended the United States Border Patrol and the Bureau of Immigration and Customs Enforcement for their investigation of the case which led to the defendant’s successful prosecution and John Freeman, Assistant U.S. Attorney, for his successful prosecution of defendant VUSHAJ.